REMARKS

STATUS OF THE CLAIMS

Claims 2-7, 9, and 11-13 are pending in the application.

Claims 2-7, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (U.S. 5,938,734), Ueno et al. (U.S. 6,438,596) and Kanazawa et al. (U.S 6,580,870).

According to the foregoing, the claims are amended, new claim 18 is added, and thus, pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

REJECTION

The Office Action maintains from the previous Office Action rejection of claims 2-7, 9 and 11-13 under 35 USC 103(a) as being unpatentable over Yao (US Patent No. 5,938,734) in view of Ueno (US Patent No. 6,438,596) and Kanazawa (US Patent no. 6,580,870).

The Office Action repeats the previous Office Action rejection rationale, except for item 3 in the paragraphs spanning page 3, last paragraph, to page 5, first paragraph.

The Office Action page 4 relies again on Kanazawa column 8, lines 50-63 to reject the new features added in the independent claims in the previous office action reply. However, as previously argued, Kanazawa column 8, lines 50-63 relates to designation of content to be displayed, but the claimed present invention controls, over a network, a display output control at a receiving device.

Independent claims 3, 9 and 11-13, using claim 3 as an example, are amended to further emphasize the patentably distinguishing features of the claimed present invention.

> 3. (CURRENTLY AMENDED) An information distribution/reproduction control apparatus, comprising:
>
> a distribution control unit distributing over a network a content as real-time reproducible stream information to a receiving device;
>
> a reproduction control unit to control the distribution control unit regarding distribution of the content to the receiving device, and to control, over the network according to reproduction

> instructions, ~~a display method of displaying~~***display output control of the stream information of the content to be reproduced at the receiving device***, ***the display ~~method~~output control*** related to one or more of display ~~method~~output control permission, or a display layout comprising one or more of a display size or a display position, or a reproduction speed, or an image quality comprising one or more of a number of display colors, a lightness or a chroma, or whether to superimpose the content with another content; and
>
> a memory unit storing a distribution schedule information of the distribution control unit and the reproduction control unit,
>
> wherein the distribution schedule information comprises information on a time and a date to start and end the distribution of the content, and the reproduction control unit controls the distribution control unit and the receiving device based on the stored distribution schedule information.

For example, the present Application FIG. 16 and page 74, line 6 to page 78, line 15 support the claim amendments.

Kanazawa column 8, lines 50-63 discusses:

> ... external information is acquired on the basis of the information management table 40b in the reproduction of the title information (encoded stream) 40a) stored in the DVD 40. However, the present invention is can be applied to a reproduction system designed mainly for TV broadcasting or CATV (such a system is also called "set top box" IRD (integrated receiver decoder)), which can acquire stream data corresponding to the title information 40a." information management table 40b.

However, Kanazawa column 5, lines 10-63 discusses that the information management table 40b "is composed of pieces of identification information ... for identifying individual streams in the title information 40a and access information (or link information) 30." Thus, Kanazawa's information management table 40b identifies content to be displayed, but Kanazawa fails to disclose, or suggest to one skilled in the art to be modified, to provide "***display output control***" information over a network to control display output of content at a receiving device.

A prima facie case of obviousness based upon Yao, Ueno and Kanazawa has not been established, if the discussions of Yao, Ueno and Kanazawa are specifically applied to the language of the independent claims, because Yao discusses realizing a supply of real-time stream data with different data rates by a scheduling scheme using constant time-slot interval and transfer start timing period - Abstract, column 3, but is silent on the claimed present

invention's "***display output control***" information over a network to control display output of content at a receiving device. Furthermore, Ueno's "***communication-network-resources management control***" cannot meet and does not provide any suggestion to be modified to meet the claimed present invention's, "***reproduction control unit***," because the language of the claims do not only recite "***a reproduction control unit***," but in contrast to Ueno, for example, independent claim 3 provides "***a reproduction control unit ... to control***, over the ***network according to reproduction instructions,*** ~~a display method of displaying~~***display output control of ... content to be reproduced at the receiving device***, ***the display*** ~~***method***~~***output control*** related to one or more of display ~~method~~output control permission, or ***a display layout*** comprising one or more of a display size or a display position, or ***a reproduction speed***, or ***an image quality*** comprising one or more of a number of display colors, a lightness or a chroma, or ***whether to superimpose the content with another content***." Ueno's ***communication-network-resources management control means*** and ***storage-resources management control means***, which is relied upon by the Examiner, fails to disclose, either expressly or impliedly, "***a reproduction control unit ... to control, over the network ... display output control ... at the receiving device*** ... related to one or more of ***display*** ~~***method***~~***output control permission***, or ***a display layout*** comprising one or more of a display size or a display position, or ***a reproduction speed***, or ***an image quality*** comprising one or more of a number of display colors, a lightness or a chroma, or ***whether to superimpose the content with another*** content."

Thus, Yao and Ueno fail to disclose or suggest the claimed present invention's ***to control***, over the network according to reproduction instructions, ~~a display method of displaying~~***display output control of the stream information of the content to be reproduced at the receiving device*** ...," and also Kanazawa fails to disclose, or suggest to one skilled in the art to be modified if combined with Yao and Ueno, the claimed present invention's "a reproduction control unit to control the distribution control unit regarding distribution of the content to the receiving device, and ***to control***, over the network according to reproduction instructions, ~~a display method of displaying~~***display output control of the stream information of the content to be reproduced at the receiving device*** ...," because Kanazawa designates content to be displayed, but the claimed present invention controls, over a network, a "***display output control of*** ... ***content to be reproduced at the receiving device***."

Further in contrast to the relied upon references, independent claims 11-13 are amended to provide "to control, over the network, ***sound output control*** ~~as~~ related to ~~at least~~ one or more of ***whether to reproduce a sound, whether to synthesize a sound with another sound, ~~or~~ specifying a sound volume, or voice/sound quality information***" as over the network sound output control at the receiving device. For example, the present Application pages 97-98 support the amendments to independent claims 11-13.

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

DEPENDENT CLAIMS

New Dependent Claim 18: Further, Yao, Ueno and Kanazawa are silent on acquiring Kanazawa's external information based upon network traffic and/or processing capacity of a receiving device. In contrast to Yao, Ueno and Kanazawa, the claimed present invention as recited in new dependent claim 18 provides:

> 18. (NEW) The apparatus according to claim 3, wherein ***the reproduction control unit controls the distribution of the content and/or the display output control of the content at the receiving device according to traffic volume of the network and/or processing capacity of the receiving device.***

For example, the present Application page 65, line 6 to page 66, line 19 and page 74, line 6 to page 78, line 15, support the new dependent claim 18.

In view of the remarks, allowance of new dependent claim 18 is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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